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House Engrossed Senate Bill

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SENATE BILL 1474

AN ACT

AMENDING SECTIONS 5-110, 5-111 AND 5-112, ARIZONA REVISED STATUTES; RELATING TO RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-110, Arizona Revised Statutes, is amended to
3 read:

4 5-110. Racing days, times and allocations: emergency transfer:
5 county fairs: charity days

6 A. Permits for horse, harness or dog racing meetings shall be approved
7 and issued for substantially the same dates allotted to permittees for the
8 same type of racing during the preceding year or for other dates that
9 permittees request, provided that, in the event there is a conflict in dates
10 requested between two or more permittees in the same county for the same kind
11 of racing, the permittee whose application is for substantially the same
12 dates as were allotted to the permittee in the preceding year shall be
13 entitled to have preference over other permittees. In the event two or more
14 permittees have agreed that the dates to be allotted to each of them each
15 year shall be alternated from one year to the next, the commission shall
16 recognize their agreement and such permittees may be accorded preference over
17 any other permittee as to those dates to be allotted to such permittees on an
18 alternating basis. Except as otherwise provided, the commission shall allot
19 dates to the respective permittees after giving due consideration to all of
20 the factors involved and the interests of permittees, the public and this
21 state.

22 B. The commission may require by the terms of any permit that the
23 permittee offer such number of races during any racing meeting as the
24 commission shall determine, provided that the permittee shall be permitted to
25 offer not less than the same number of races each day as offered in the prior
26 year. The commission shall require each horse racing permittee to conduct
27 for a period of thirty days a number of races equal to an average of not less
28 than two races for each day of racing exclusively for quarter horses. If, in
29 the opinion of the commission, the permittee is offering acceptable quarter
30 horse races but an honest effort is not being put forth to fill these races
31 by the horsemen, the commission may rescind the two race per day quarter
32 horse requirement.

33 C. Live racing and wagering on simulcast races shall be permissible in
34 either daytime or nighttime, but there shall be no live daytime dog racing OR
35 HARNESS RACING on the same day that there is live daytime horse ~~or harness~~
36 racing in ~~any~~ THE SAME county in which commercial horse or harness racing has
37 been conducted prior to February 1, 1971, and no live nighttime horse or
38 harness racing on the same day that there is live nighttime dog racing in the
39 same county. There shall be no wagering on simulcast dog races OR SIMULCAST
40 HARNESS RACES OFFERED BY A DOG RACING PERMITTEE before ~~4:15~~ 4:00 p.m.,
41 mountain standard time, on the same day that there is live daytime horse
42 RACING or harness racing in ~~any~~ THE SAME county in which commercial horse or
43 harness racing has been conducted before February 1, 1971, and no wagering on
44 simulcast horse RACES or SIMULCAST harness ~~racing~~ RACES OFFERED BY A HORSE
45 RACING PERMITTEE after 7:30 p.m., mountain standard time, on the same day
46 that there is live nighttime dog racing in the same county. The hours during

1 which any other dog, harness or horse racing is to be conducted shall be
2 determined by the commission. The application for a permit shall state the
3 exact days on which racing will be held and the time of day during which
4 racing will be conducted. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
5 SECTION, WITH THE CONSENT OF ANY OTHER COMMERCIAL RACING PERMITTEE IN THE
6 SAME COUNTY WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT
7 LESS THAN FORTY DAYS PER YEAR IN EACH YEAR FOR AT LEAST TWELVE CONSECUTIVE
8 YEARS BEGINNING FROM OR AFTER 1992, A COMMERCIAL LIVE RACING PERMITTEE WHO
9 HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS THAN FORTY
10 DAYS PER YEAR IN EACH YEAR FOR AT LEAST TWELVE CONSECUTIVE YEARS BEGINNING
11 FROM OR AFTER 1992 MAY OFFER AND CONDUCT WAGERING AT ANY TIME OF THE DAY OR
12 NIGHT ON SIMULCAST RACING OF THE SAME TYPE OF RACING AS THE PERMITTEE'S LIVE
13 RACING PERMIT RECEIVED AT THE RACE TRACK ENCLOSURE WHERE THE LIVE RACING IS
14 CONDUCTED AND AT ANY ADDITIONAL WAGERING FACILITY OWNED OR LEASED BY THE
15 PERMITTEE IN THE SAME COUNTY AND IN ANY OTHER COUNTY WITH THE CONSENT OF ANY
16 PERMITTEE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS
17 THAN FORTY DAYS OF LIVE RACING PER YEAR IN EACH YEAR FOR AT LEAST TWELVE
18 CONSECUTIVE YEARS BEGINNING FROM OR AFTER 1992 IN THAT COUNTY.
19 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COMMERCIAL RACING
20 PERMITTEE WHO HAS CONDUCTED LIVE HORSE OR DOG RACING FOR A PERIOD OF NOT LESS
21 THAN FORTY DAYS OF LIVE RACING PER YEAR IN EACH YEAR FOR AT LEAST TWELVE
22 CONSECUTIVE YEARS BEGINNING FROM OR AFTER 1992 MAY OFFER WAGERING ON
23 SIMULCAST HARNESS RACING DURING THE TIME OF DAY THE PERMITTEE IS ALLOWED TO
24 CONDUCT LIVE OR SIMULCAST RACING AND, WITH THE CONSENT OF ANY OTHER LIVE
25 RACING PERMITTEE IN THE SAME COUNTY WHO HAS CONDUCTED LIVE HORSE OR DOG
26 RACING FOR A PERIOD OF NOT LESS THAN FORTY DAYS PER YEAR IN EACH YEAR FOR AT
27 LEAST TWELVE CONSECUTIVE YEARS BEGINNING FROM OR AFTER 1992 MAY OFFER
28 WAGERING ON SIMULCAST HARNESS RACING ANY TIME OF THE DAY OR NIGHT AT THE
29 PERMITTEE'S LIVE RACING ENCLOSURE AND AT ANY ADDITIONAL WAGERING FACILITY
30 OWNED OR LEASED BY THE PERMITTEE IN THE SAME COUNTY. THE CONSENT PROVIDED
31 FOR IN THIS SECTION SHALL BE FOR A PERIOD OF NOT LESS THAN ONE YEAR AT A
32 TIME.

33 D. If the commission determines that an emergency has obligated or may
34 obligate a permittee to discontinue racing at a location, the commission may
35 authorize the permittee to transfer racing for the number of days lost to any
36 other location.

37 E. A racing meeting, when operated by a county fair racing association
38 or under lease during the county fair to any individual, corporation or
39 association, shall not come under the limitation placed on days of racing in
40 this section.

41 F. The department shall be the judge of whether a county fair racing
42 meeting is being operated in accordance with ~~the provisions of~~ this
43 section. A county fair racing meeting conducted by an individual,
44 corporation or association, other than the properly authorized county fair
45 racing association, shall come under the general provisions of this article
46 the same as a commercial meeting. Notwithstanding this subsection, a county

1 fair racing meeting, whether conducted by a county fair racing association or
2 by an individual, corporation or association other than a county fair racing
3 association, is exempt from the requirement prescribed in section 5-111 to
4 pay to the state a percentage of the pari-mutuel pool collected at the
5 meeting.

6 G. The commission may allow a permittee, in addition to the days
7 specified in this permit, to operate up to three racing days during any one
8 meeting as charity days. From the amount deducted from the total handled in
9 the pari-mutuel pool on charity days, the permittee shall deduct an amount
10 equal to the purses and the cost of conducting racing on these days, and
11 shall donate the balance to nonprofit organizations and corporations ~~which~~
12 ~~THAT~~ benefit the general public, ~~which~~ ~~THAT~~ are engaged in charitable,
13 benevolent and other like work and ~~which~~ ~~THAT~~ are selected by the permittee
14 and approved by the department. In no event shall the amount given to
15 charity from charity racing days be less than the amount which otherwise
16 would have gone to this state as the state's share on a noncharity racing
17 day.

18 H. Notwithstanding any other provision of this chapter, any dog racing
19 permittee to which a permit to conduct dog racing in this state has been
20 issued may in any racing year modify the racing date allocations made to the
21 permittee for conducting dog racing at a track by reallocating up to
22 two-thirds of the racing dates allocated to that permittee for dog racing at
23 a track to another track in this state at which the permittee or a
24 corporation of common ownership to the permittee conducts dog racing. For
25 the purpose of this section a corporation of common ownership to the
26 permittee is a corporation ~~which~~ ~~THAT~~ is owned or controlled, directly or
27 indirectly, by the same corporation that owns or controls the permittee and
28 ~~which~~ ~~THAT~~ holds a permit to conduct dog racing in this state.

29 I. Notwithstanding any other provision of this article, any dog racing
30 permittee that has offered live dog racing in eight out of ten calendar years
31 from 1980 to 1990 in counties that have a population of less than five
32 hundred thousand persons according to the most recent United States decennial
33 census shall be considered as operating a racetrack enclosure for all
34 purposes under this article and shall not be required to conduct live racing
35 as a condition of that permittee's racing permit. Any permittee qualified
36 under this subsection may conduct wagering on telecasts of races conducted at
37 racetrack enclosures within this state or at racetrack enclosures outside
38 this state without offering live racing at that permittee's racetrack
39 enclosure.

40 Sec. 2. Section 5-111, Arizona Revised Statutes, is amended to read:

41 5-111. Wagering percentage to permittee and state; exemptions

42 A. The commission shall prescribe rules governing wagering on races
43 under the system known as pari-mutuel wagering. Wagering shall be conducted
44 by a permittee only by pari-mutuel wagering and only on the dates for which
45 racing or dark day simulcasting has been authorized by the commission.
46 Wagering for a licensed racing meeting shall be conducted by a **COMMERCIAL**

1 LIVE RACING permittee only within an enclosure in which authorized LIVE
2 racing takes place and, in counties having a population of less than five
3 hundred thousand persons or at least one million five hundred thousand
4 persons, ~~as shown by the most recent United States decennial census,~~ at those
5 additional facilities ~~which~~ THAT are owned or leased by a permittee, ~~and~~
6 ~~which~~ THAT ARE APPROVED BY THE COMMISSION AND THAT are used by a permittee
7 for handling wagering as part of the pari-mutuel system ~~and pool of the~~
8 ~~permittee at the enclosure where the authorized racing is conducted~~ OF THE
9 COMMERCIAL LIVE RACING PERMITTEE. In all other counties, wagering may also
10 be conducted at additional facilities ~~which~~ THAT are owned or leased by a
11 COMMERCIAL LIVE RACING permittee who is licensed to conduct live racing in
12 those counties or who has the consent of all commercial RACING permittees
13 currently licensed to conduct live racing in those counties and ~~which~~ THAT
14 are used by a permittee for handling wagering ~~and~~ as part of the pari-mutuel
15 system ~~and pool of the permittee at the enclosure where the authorized~~ OF THE
16 COMMERCIAL LIVE racing ~~is conducted~~ PERMITTEE. If the additional facilities
17 have not been used for authorized racing before their use for handling
18 wagering, a permittee shall not use the facilities for handling wagering
19 before receiving approval for such use by the governing body of the city or
20 town, if located within the corporate limits, or by the board of supervisors,
21 if located in an unincorporated area of the county. A permittee may televise
22 ~~the~~ ANY LIVE races OR ANY SIMULCAST RACES RECEIVED AT THE PERMITTEE'S RACING
23 ENCLOSURE to the additional facilities at the times the races are conducted
24 OR RECEIVED AT THE PERMITTEE'S RACING ENCLOSURE. For the purpose of section
25 5-110, subsection C only, a race upon which wagering is permitted under this
26 subsection shall be deemed to also occur at the additional facility in the
27 county in which the additional facility is located, and as such shall be
28 limited in the same manner as actual live racing in such county. For the
29 purpose of subsections B and C of this section, the wagering at the
30 additional facility shall be deemed to occur in the county in which the
31 additional facility is located.

32 B. During the period of any permit for dog racing in any county, the
33 state shall receive five and one-half per cent of all monies handled in the
34 pari-mutuel pool operated by the permittee, to be paid daily during the
35 racing meeting. In all counties having a population of one million five
36 hundred thousand persons or more, according to the most recent United States
37 decennial census, four and three-quarters per cent of the gross amount of
38 monies handled in a pari-mutuel pool shall be deducted from the pari-mutuel
39 pool and shall be deposited daily into a trust account for the payment of
40 purse amounts. In counties having a population of less than one million five
41 hundred thousand persons according to the most recent United States decennial
42 census, four per cent of the gross amount of monies handled in a pari-mutuel
43 pool shall be deducted from the pari-mutuel pool and shall be deposited daily
44 in a trust account for the payment of purse amounts. In addition,
45 twenty-five per cent of any reduction in pari-mutuel taxes each year
46 resulting from the application of the hardship tax reduction credit

1 determined pursuant to subsection I of this section shall be deposited in the
2 trust account for supplementing purse amounts in an equitable manner over the
3 racing meeting as determined by the commission. Notwithstanding any other
4 provision of this subsection, the percentage paid by a permittee to the state
5 does not apply to monies handled in a pari-mutuel pool for wagering on
6 simulcasts of out-of-state races. During a week in which a permittee
7 conducts live racing at the permittee's racetrack enclosure, the permittee
8 shall deduct from monies handled in a pari-mutuel pool for wagering on
9 simulcasts of out-of-state races and deposit daily in a trust account for the
10 payment of purse amounts the same percentage of the pari-mutuel pool as is
11 deducted for purses for live races unless otherwise agreed by written
12 contract. Unless otherwise agreed by written contract, if the commission
13 reasonably determines that live racing will not be conducted within one
14 calendar year at a racetrack enclosure, the permittee shall deduct from
15 monies handled in a pari-mutuel pool for wagering on simulcasts of
16 out-of-state races and deposit daily in a trust account to supplement purses
17 of any dog track where live racing is conducted within a one hundred mile
18 radius. The supplementing provided by this subsection shall be in the most
19 equitable manner possible as determined by the commission. The permittee
20 shall allocate the funds in the trust account and pay purse amounts at least
21 biweekly. The permittee ~~may~~, at the permittee's discretion, ~~MAY~~ pay
22 additional amounts to augment purses from the amounts received by the
23 permittee under this subsection.

24 C. During the period of a permit for horse, harness or dog racing, the
25 permittee ~~which~~ ~~THAT~~ conducts such meeting may deduct up to and including
26 twenty-five per cent of the total amount handled in the regular pari-mutuel
27 pools and ~~may~~, at the permittee's option, ~~MAY~~ deduct up to and including
28 thirty per cent of the total amount handled in the exacta, daily double,
29 quinella and other wagering pools involving two horses or dogs, and up to and
30 including thirty-five per cent of the total amount handled in the trifecta or
31 other wagering pools involving more than two horses or dogs in one or more
32 races. The amounts if deducted shall be distributed as prescribed in
33 subsection D of this section and section 5-111.02 for horse or harness racing
34 permittees. For dog racing permittees, unless otherwise agreed by written
35 contract, the permittee shall allocate to purses from amounts wagered on live
36 racing conducted in this state an amount equal to fifty per cent of any
37 amounts that are deducted pursuant to this subsection in excess of twenty per
38 cent of the total amount handled in the regular pari-mutuel pools, twenty-one
39 per cent of the total amount handled in the exacta, daily double, quinella
40 and other wagering pools involving two dogs or twenty-five per cent of the
41 total amount handled in the trifecta or other wagering pools involving more
42 than two dogs in one or more races. For dog racing permittees the
43 percentages prescribed in subsection B of this section shall be distributed
44 to the state and to the trust account for payment of purse amounts and the
45 permittee shall receive the balance. If the dog racing permittee has made
46 capital improvements, the distribution to the state shall be adjusted as

provided in section 5-111.03. Monies deposited in the trust account for payment of purses pursuant to this subsection shall be in addition to amounts deposited pursuant to subsection B of this section.

D. During the period of a permit for horse or harness racing, the state shall receive two per cent of the gross amount of the first one million dollars of the daily pari-mutuel pools and five per cent of the gross amount exceeding one million dollars of the daily pari-mutuel pools. Notwithstanding any other provision of this subsection, the percentage paid by a permittee to the state does not apply to monies handled in a pari-mutuel pool for wagering on simulcasts of out-of-state races. ~~The permittee shall retain the balance of the total amounts deducted pursuant to subsection C of this section. Of~~ FROM the amount ~~retained by the permittee, less the amount~~ DEDUCTED PURSUANT TO SUBSECTION C OF THIS SECTION FROM WAGERING ON LIVE OR SIMULCAST HORSE RACING OR SIMULCAST HARNESS RACING, AFTER DEDUCTIONS FOR ALLOCATIONS TO THIS STATE AS PROVIDED IN SUBSECTION C OF THIS SECTION, THE AMOUNTS payable to the permittee for capital improvements pursuant to ~~section~~ SECTIONS 5-111.02 AND 5-111.03, breakage distributed to the permittee pursuant to section 5-111.01, ~~and~~ other applicable state, county and city transaction privilege or other taxes, unless otherwise agreed by written contract, A COMMERCIAL HORSE RACING PERMITTEE SHALL ALLOCATE fifty per cent ~~shall~~ OF THE BALANCE TO be used for purses AT THE RACETRACK ENCLOSURE WHERE THE COMMERCIAL HORSE RACING PERMITTEE CONDUCTS LIVE RACING. A COMMERCIAL LIVE DOG RACING PERMITTEE SHALL ALLOCATE AMOUNTS NET OF COSTS OF ADVERTISING DEDUCTED FROM THE PROCEEDS RECEIVED FROM WAGERING ON SIMULCAST HARNESS RACING IN THE SAME MANNER PROVIDED IN SUBSECTION B OF THIS SECTION. Unless otherwise agreed by written contract, fifty per cent of the revenues received by the permittee from simulcasting races as provided in section 5-112, net of costs of advertising, shall be utilized as a supplement to the general purse structure. All amounts ~~which~~ THAT are deducted from the pari-mutuel pool for purses pursuant to this section and sections 5-111.01, 5-112 and 5-114 and ~~revenues which~~ PROCEEDS THAT are received from simulcasting and ~~which~~ THAT are to be used as a supplement to the general purse structure pursuant to this subsection shall be deposited daily into a trust account for the payment of purse amounts.

E. Any county fair racing association may apply to the commission for one racing meeting each year and the commission shall set the number of days and the dates of such meetings. A racing meeting conducted under this subsection shall be operated in such manner that all profits accrue to the county fair racing association, and the county fair racing association may deduct from the pari-mutuel pool the same amount as prescribed in subsection C of this section. All county fair racing meetings, whether conducted by county fair racing associations under ~~the provisions of~~ this subsection or by an individual, corporation or association other than a county fair racing association, are exempt from the payment to the state of the percentage of the pari-mutuel pool prescribed by subsection D of this section and are also exempt from ~~the provisions of~~ section 5-111.01.

1 F. Monies from charity racing days are exempt from the state
2 percentage of the pari-mutuel pool prescribed in this section.

3 G. Sums held by a permittee for payment of unclaimed pari-mutuel
4 tickets are exempt from ~~the provisions of~~ the revised Arizona unclaimed
5 property act, title 44, chapter 3.

6 H. All of the amounts received by a permittee from the gross amount of
7 monies handled in a pari-mutuel pool and all amounts held by a permittee for
8 payment of purses pursuant to this section and sections 5-111.01, 5-112 and
9 5-114 are exempt from the provisions of title 42, chapter 5.

10 I. On August 1 of each year a permittee is eligible for a hardship tax
11 credit pursuant to this subsection. For THE purposes of this subsection,
12 "permittee" ~~shall include~~ INCLUDES any person who has succeeded to the
13 interest of a permittee and who is authorized to conduct racing at the
14 facility for which the permit was issued. The department shall determine the
15 amount of any hardship tax credit as follows:

16 1. Determine the percentage decrease in pari-mutuel wagering by
17 determining the percentage decrease in pari-mutuel wagering between the base
18 period amount and the amount of pari-mutuel wagering in the previous fiscal
19 year at the racetrack and the additional wagering facilities operated by the
20 permittee. The base period amount is the highest total annual pari-mutuel
21 wagering at the racetrack and all additional wagering facilities as reported
22 to the department for fiscal year 1989-1990, 1990-1991, 1991-1992, 1992-1993
23 or 1993-1994.

24 2. Determine the permittee's hardship tax credit by multiplying the
25 total pari-mutuel tax due as a result of wagering at the racetrack and all
26 additional wagering facilities for the previous fiscal year before applying
27 any hardship tax credit amount by the percentage decrease in pari-mutuel
28 wagering determined pursuant to paragraph 1 of this subsection and
29 multiplying the result by three.

30 3. The permittee's pari-mutuel tax due as otherwise determined under
31 subsections B and D of this section shall be reduced for the current period
32 and any future periods by an amount equal to the amount of the hardship tax
33 credit determined pursuant to this subsection. The hardship tax credit is in
34 addition to any other tax exemptions, rebates and credits.

35 Sec. 3. Section 5-112, Arizona Revised Statutes, is amended to read:

36 5-112. Wagering legalized; simulcasting of races; unauthorized
37 wagering prohibited; classification

38 A. Except as provided in subsection L of this section, section
39 5-101.01, subsection G and title 13, chapter 33, any person within the
40 enclosure of a racing meeting held pursuant to ~~the provisions of~~ this article
41 may wager on the results of a race held at the meeting or televised to the
42 racetrack enclosure by simulcasting pursuant to this section by contributing
43 money to a pari-mutuel pool operated by the permittee as provided by this
44 article.

45 B. The department ~~may~~, upon request by a permittee, MAY grant
46 permission for electronically televised simulcasts of horse, harness or dog

1 races to be received by the ~~permittee~~ COMMERCIAL LIVE RACING PERMITTEE AT THE
 2 PERMITTEE'S LIVE RACING ENCLOSURE. In counties having a population of one
 3 million five hundred thousand persons or more according to the most recent
 4 United States decennial census, the simulcasts shall be received at the
 5 racetrack enclosure where a horse, harness or dog racing meeting is being
 6 conducted, provided that the simulcast may only be received during,
 7 ~~immediately~~ before or ~~immediately~~ after a minimum of nine ~~posted~~ races HAVE
 8 BEEN POSTED for that racing day. In counties having a population of five
 9 hundred thousand persons or more, but less than one million five hundred
 10 thousand persons according to the most recent United States decennial census,
 11 the simulcasts shall be received at the racetrack enclosure where a horse,
 12 harness or dog racing meeting is being conducted provided that the simulcast
 13 may only be received during, ~~immediately~~ before or ~~immediately~~ after a
 14 minimum of four posted races for that racing day. In all other counties, the
 15 simulcasts shall be received at a racetrack enclosure at which authorized
 16 racing has been conducted whether or not posted races have been offered for
 17 the day the simulcast is received. The simulcasts shall be limited to horse,
 18 harness or dog races. The simulcasts shall be limited to the same type of
 19 racing as authorized in the permit for live racing conducted by the
 20 permittee. The department ~~may~~, upon request by a permittee, MAY grant
 21 permission for the permittee to transmit the live race from the racetrack
 22 enclosure where a horse, harness or dog racing meeting is being conducted to
 23 a facility or facilities in another state. All simulcasts of horse or
 24 harness races shall comply with the interstate horse racing act of 1978 (P.L.
 25 95-515; 92 Stat. 1811; 15 United States Code chapter 57). All forms of
 26 pari-mutuel wagering shall be allowed on LIVE OR SIMULCAST horse, harness or
 27 dog races ~~televised by simulcasting~~ AVAILABLE FOR WAGERING CONDUCTED BY A
 28 LIVE COMMERCIAL HORSE OR DOG RACING PERMITTEE UNDER THIS CHAPTER. All monies
 29 wagered by patrons on these horse, harness or dog races shall be computed in
 30 the amount of money wagered each racing day for purposes of section 5-111.

31 C. Notwithstanding subsection B of this section, in counties having a
 32 population of one million five hundred thousand persons or more according to
 33 the most recent United States decennial census, simulcasts may be received
 34 at the racetrack enclosure and ~~at~~ THE PERMITTEE MAY OFFER PARIMUTUEL WAGERING
 35 ON THE SIMULCASTS AT any additional wagering facility used by a permittee for
 36 handling wagering as provided in section 5-111, subsection A during a
 37 permittee's racing meeting as approved by the commission, WHETHER OR NOT THE
 38 SIMULCASTS ARE TELEVIEWED TO THE ADDITIONAL WAGERING FACILITY AND whether or
 39 not posted races have been conducted on the day the simulcast is received,
 40 if:

41 1. For horse and harness racing, the permittee's racing permit
 42 requires the permittee to conduct ~~a minimum~~ AN AVERAGE of nine posted races
 43 on an average of five racing days each week at the permittee's racetrack
 44 enclosure during the period beginning on October 1 and ending on the first
 45 full week in May, PROVIDED THAT THE NUMBER OF POSTED RACE DAYS DURING THE
 46 PERIOD MAY BE REDUCED TO NOT LESS THAN ONE HUNDRED FORTY POSTED RACE DAYS

1 SUBJECT TO AN AGREEMENT BETWEEN THE PERMITTEE AND THE GROUP REPRESENTING THE
2 MAJORITY OF THE HORSEMEN AT THE PERMITTEE'S RACING FACILITY.

3 2. For dog racing, the permittee is required to conduct a minimum of
4 twelve posted races on each of five days each week for fifty weeks during a
5 calendar year at the permittee's racetrack enclosure.

6 D. Notwithstanding subsection B of this section, in counties having a
7 population of five hundred thousand persons or more but less than one million
8 five hundred thousand persons ~~according to the most recent United States~~
9 ~~decennial census~~, simulcasts may be received at the racetrack enclosure and
10 the PERMITTEE MAY OFFER PARI-MUTUEL WAGERING ON THE SIMULCASTS at any
11 additional wagering facility used by a permittee for handling wagering as
12 provided in section 5-111, subsection A during a permittee's racing meeting
13 as approved by the commission, WHETHER OR NOT THE SIMULCASTS ARE TELEVISED TO
14 THE ADDITIONAL WAGERING FACILITY AND whether or not posted races have been
15 conducted on the day the simulcast is received, subject to the following
16 conditions:

17 1. For horse and harness racing, the permittee may conduct wagering on
18 dark day simulcasts for twenty days, provided the permittee conducts a
19 minimum of seven posted races on each of the racing days mandated in the
20 permittee's commercial racing permit. In order to conduct wagering on dark
21 day simulcasts for more than twenty days, the permittee is required to
22 conduct ~~a minimum~~ AN AVERAGE of seven posted races on one hundred forty
23 racing days at the permittee's racetrack enclosure.

24 2. For dog racing, the permittee is required to conduct a minimum of
25 nine posted races on each of four days each week for fifty weeks during a
26 calendar year at the permittee's racetrack enclosure.

27 E. In an emergency and upon a showing of good cause by a permittee,
28 the commission may grant an exception to the minimum racing day requirements
29 of subsections C and D of this section.

30 F. The minimum racing day requirements of subsections C and D of this
31 section shall be computed by adding all racing days, including any county
32 fair racing days operated in accordance with section 5-110, subsection F,
33 allotted to the permittee's racetrack enclosure in one or more racing permits
34 and all racing days allotted to the permittee's racetrack enclosure pursuant
35 to section 5-110, subsection H.

1 G. Notwithstanding subsection B of this section and subject to
2 subsections C and D of this section, during the period of the permit for
3 horse racing, wagering on dark day simulcasts of horse races at a permittee's
4 additional wagering facilities shall only be allowed for a maximum number of
5 days equal to the number of days of live horse racing scheduled to be
6 conducted at that permittee's racetrack enclosure during the permittee's
7 racing meeting, and during the period of a permit for dog racing, wagering on
8 dark day simulcasts of dog races at a permittee's additional wagering
9 facilities shall only be allowed for a maximum number of days equal to the
10 number of days of live dog racing scheduled to be conducted at that
11 permittee's racetrack enclosure during the permittee's racing meeting. The
12 number of days allowed for dark day simulcasting under this subsection shall
13 be computed by adding all racing days, including any county fair racing days
14 operated in accordance with section 5-110, subsection F, allotted to the
15 permittee's racetrack enclosure in one or more racing permits and all racing
16 days allocated to the permittee's racetrack enclosure pursuant to section
17 5-110, subsection H.

18 H. Simulcast signals or teletracking of simulcast signals does not
19 prohibit live racing or teletracking of that live racing in any county at any
20 time.

21 I. Except as provided in subsection L of this section, section
22 5-101.01, subsection G and title 13, chapter 33, any person within a
23 racetrack enclosure or an additional facility authorized for wagering
24 pursuant to section 5-111, subsection A may wager on the results of a race
25 televised to the ~~facility~~ PERMITTEE'S LIVE RACING ENCLOSURE pursuant to
26 section 5-111, subsection A by contributing to a pari-mutuel pool operated as
27 provided by this article.

28 J. Notwithstanding subsection B of this section, the department, in
29 counties having a population of one million five hundred thousand persons or
30 more according to the most recent United States decennial census, ~~may, upon~~
31 AND ON request by a permittee for one day each year, MAY grant permission for
32 simulcasts to be received without compliance with the minimum of nine posted
33 races requirement.

34 K. Except as provided in this article and in title 13, chapter 33, all
35 forms of wagering or betting on the results of a race, including but not
36 limited to buying, selling, cashing, exchanging or acquiring a financial
37 interest in pari-mutuel tickets, except by operation of law, whether the race
38 is conducted in this state or elsewhere, are illegal.

39 ~~L. Until June 1, 2003, a permittee shall not knowingly permit a minor~~
40 ~~to be a patron of the pari-mutuel system of wagering. Beginning on June 1,~~
41 ~~2003,~~ A permittee shall not knowingly permit a person who is under twenty-one
42 years of age to be a patron of the pari-mutuel system of wagering.

1 M. Except as provided in title 13, chapter 33, any person ~~violating~~
2 ~~any provision of~~ WHO VIOLATES this article with respect to any wagering or
3 betting, whether the race is conducted within or without this state, is
4 guilty of a class 6 felony.

5 N. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, simulcasting may only
6 be authorized for the same type of racing authorized by a permittee's live
7 racing permit.